

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO.21358 of 2004

Between:

Devulapalli Satyanarayana Rao, Sri D.Venkaty,
Srirampur, R/o.B-1, R.K.5., Bungalow Area, Coal Chemical Complex (post),
Adilabad-504302.

...PETITIONER

AND

1. The Singareni Collieries Company Limited, rep.by its Chairman cum Managing Director, Singareni House, Red Hills, Hyderabad.
2. The Singareni Collieries Company Limited, rep.by its Director (PA & W), Kothagudem, Khammam District.
3. The General Manager, The Singareni Collieries Co.Ltd., Kothagudem, Khammam District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue appropriate writ, order or direction, particularly a writ of Mandamus, declaring the action of respondents in not calling the petitioner for interview to the post of Additional General Manager (M.2 grade) as illegal, arbitrary and irrational and issue a consequential direction directing the respondents to consider the case of the petitioner for promotion to the post of Addl. General Manager (M-2 Grade) in the ensuing DPC meeting and consider the petitioner's promotion w.e.f. 29-8-2002; or in the alternative this Hon'ble Court may be pleased to issue an appropriate writ or direction, particularly writ of mandamus declaring the amended Rule inserted after Rule 8.4 (A) and (B) of Executives' promotion Rules amended by the Board of directors vide their Minute No.459.9 dt.29-8-2003 as illegal, unconstitutional, irrational and arbitrary.

Counsel for the Petitioner: MR.J.PRABHAKAR

Counsel for the Respondents: MR.NANDIGAM KRISHANA RAO

The Court made the following:

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO.21358 of 2004

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ORDER:

Heard both sides.

At the request of both the counsel, the main Writ Petition itself is taken up for disposal.

The petitioner seeks a writ of mandamus to assail the action on the part of the respondents in not calling the petitioner for interview to the post of Additional General Manager (M.2 Grade) as illegal and also seeks a consequential direction to consider his case for promotion to the said post.

This Court granted interim direction on 29.11.2004 in W.P.M.P.No.27999 of 2004 not to conduct any DPC in the meanwhile.

In the counter-affidavit filed by the respondents herein, it is submitted that having regard to the amendments made, the petitioner's case do not come within the span of consideration. In reply, the learned counsel for the petitioner submits that even applying the said rule as it is, it has no application in case of promotion to the post of M-2 Grade and the action of the respondents in not calling for interview is mischievous.

Having heard the submissions made on both sides and on perusal of the material available on record, it is not necessary to go into merits of the case, more

so, the relief is only to consider the case of the petitioner in spite of the amended rule.

In the circumstances, the Writ Petition is accordingly disposed of, directing the respondents to consider the petitioner's case also along with others for promotion to the post of Additional General Manager (M-2 Grade) and permit him to appear for the interview in any DPC to be conducted by the respondents herein.

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(B.PRAKASH RAO, J)

6th December 2004

Note: CC by three days

B/O

RRB

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

Copy To:

1. The Chairman cum Managing Director, The Singareni Collieries Company Limited, Singareni House, Red Hills, Hyderabad.
2. The Director (PA & W), The Singareni Collieries Company Limited, Kothagudem, Khammam District.
3. The General Manager, The Singareni Collieries Co.Ltd., Kothagudem,

Khammam District.

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